ADMINISTRATIVE SHOOTING REVIEW

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

HIT SHOOTING EVALUATION

UNIT:

Major Crimes Bureau, Fugitive Task Force

DATE:

December 22, 2003, (Monday)

TIME:

0800 hours

LOCATION:

Palm Street, Bellflower, CA

URN#:

403-33048-1335-051

IAB#:

SH 2106147

NATURE OF

INCIDENT: On December 22, 2003, at about 0800 hours, Major Crimes Bureau, Fugitive Detail, Detectives Stephanie Patterson and were involved in a hit shooting incident. Detectives from Major Crimes Bureau Fugitive Detail went to Palm Street, in the city of Bellflower, looking for Javier Torres. Torres was wanted on a no bail probation violation warrant. When deputies from Lakewood Station and Major Crimes Bureau knocked on to the front door, there was no answer. Moments later, the deputies heard movement from within the duplex. The detectives maintained containment on the unit while the team sergeant spoke to neighbors. Suspect Torres, who was inside a rear bedroom, began shooting through the rear walls of the unit, striking Deputy Patterson in the left hip and Deputy in the left shoulder. Both deputies returned fire. Suspect Torres jumped out of the window, ran westbound into the adjoining apartment complex, out-of-sight.

After a containment was established, two canine teams from Special Enforcement Bureau alerted . Members of S.E.B. formed an arrest team and on a shed, in the rear of after several announcements directed at the shed, calling the suspect by name, Torres surrendered to the deputies. Suspect Torres was taken into custody without incident.

Internal Affairs Bureau was notified at 0830 hours and Sergeants Rick Smith and Larry Landreth, along with Lieutenant Stacy Lee, of the Internal Affairs Bureau responded to the command post at Lakewood Boulevard and Artesia Boulevard, in the city of Bellflower, regarding a deputy involved hit shooting. When we arrived, Homicide Bureau personnel were at the scene investigating the incident. Two deputies had been injured and transported to Lakewood Regional Hospital with gunshot wounds.

COMPLETED BY: Sergeant Larry Landreth, Internal Affairs Bureau

DATE:

April 22, 2005

On February 16, 2005, Deputy District Attorney Christina Fleming Buckley issued a Letter of Opinion regarding the deputy involved shooting incident. In his review of the shooting, D.D.A. Buckley deemed Deputies Patterson and acted lawfully in self-defense.

The following summary is based on verbal and written statements from the involved deputy, witness statements and statements from the suspects.

INVOLVED PERSONNEL:

PATTERSON, STEPHANIE, Deputy Sheriff #
Detective Division
Major Crimes Bureau, Fugitive Detail

EMPLOYEE WORK HISTORY:

Date of Employment:

Date assigned to Patrol/Custody:

Completed Patrol/Custody Training:

Prior Shooting Incident(s):

Prior Founded Force Incidents:

Detective Division
Major Crimes Bureau, Fugitive Detail

EMPLOYEE WORK HISTORY:

Date of Employment:

Date assigned to Patrol/Custody:

Completed Patrol/Custody Training:

Prior Shooting Incidents:

Prior Founded Force Incidents:

SUSPECT(S):

TORRES, Javier ,MH/24 yrs. DOB: 02-15-1979, 5-08", 220 lbs., brown/brown

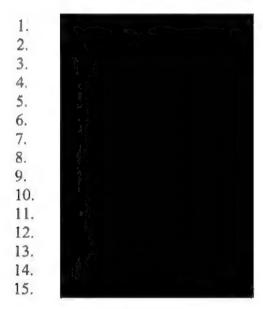
Booking # 7950998 C.I.I. # Main # FBI # CDC#



Suspect Torres is an admitted Compton Varrio T-Flats gang member.

CIVILIAN WITNESSES:

IAB Note: During the canvass of the area after the shooting thirty-four residents were contacted and questioned as to what they may have witnessed. The fifteen individuals below either saw or heard something substantial and their interview summaries are included in the document.



DEPARTMENT WITNESSES:

- Delmese, Lawrence, Sergeant #
- 2. Duerr, Timothy, Deputy Sheriff #
- 3. Deputy Sheriff #

INJURIES:

Suspect

Suspect Torres sustained a gunshot wound to the left foot.

Deputy Personnel

Deputy Stephanie Patterson sustained a gunshot wound to the left buttocks that lodged in her colon.

Deputy sustained a gunshot wound to the right shoulder.

WEATHER AND LIGHTING CONDITIONS:

Daylight, clear, with little or no clouds.

WEAPONS USED BY SUSPECT(S):

SUSPECT Javier Torres was armed with Calico M-951, 9mm Luger caliber semiautomatic rifle (Category 3 Assault Weapon), serial number and a Berretta 92FS 9mm Luger semiautomatic pistol, serial number and the Berretta semi-automatic pistol.

IAB Note: The Berretta pistol was found to have been stolen from a location in Henderson, Nevada and reported to Henderson Police Department under their file number 03-08810. Refer to Exhibit A, pages 188 - 192 for a copy of Henderson Police Department's crime report.

WEAPON(S) USED BY DEPUTY PERSONNEL:

DEPUTY STEPHANIE PATTERSON

Service Weapon- Berretta, 92F (Serial Number BER030931Z), Double Action Semi-automatic Pistol, 9mm Luger

Type Of Ammunition- Winchester Brand Ranger "T" 9 mm Luger cartridges.

Ammunition- One round fired and fifteen unexpended rounds left in the magazine.

Shell Casings- A total of twelve expended rounds were located at the scene where both

Patterson and reported firing.

Date Employee Last Qualified: (Mobile Range)

Date Last Trained With Weapon:



Lab Receipt No. J381343 Los Angeles County Sheriff's Department- Scientific Services Bureau, Firearms Identification Section (Refer to Exhibit A, page 218)

DEPUTY

Service Weapon-Berretta, 92F (Serial Number), Double Action Semi automatic Pistol, 9mm Luger

the operation.

-3-
Type Of Ammunition- Winchester Brand Ranger "T", 9 mm Luger cartridges. Ammunition- Eleven rounds fired and five left in the magazine. Shell Casings- A total of twelve expended rounds were located at the scene where both Patterson and reported firing Date Employee Last Qualified: (Mobile Range) Date Last Trained With Weapon:
Lab Receipt No. J381343 Los Angeles County Sheriff's Department-Scientific Services Bureau, Firearms Identification Section (Refer to Exhibit A, page 218)
INVOLVED DEPUTY(S) STATEMENTS:
PATTERSON, Stephanie, Deputy Sheriff # Deputy Patterson was interviewed by Homicide Investigators Rich Lopez and Sandra Nava on 12-31-2003, at 1107 hours. The interview took place at Lakewood Regional Hospital and was tape recorded. The following is a summary of the interview.
Deputy Patterson was assigned to the Fugitive Task Force of Major Crimes Bureau. She said that the suspect, Javier Torres, was a person-of-interest in a kidnap and murder case investigated by Sheriff's Department Homicide Bureau, under the file # 003-22958-1363-011. A handgun was found in a vehicle he was a passenger in when a traffic stop was initiated on the vehicle. Suspect Torres ran from the vehicle while the driver was detained and arrested. When the vehicle was searched a loaded handgun was found concealed in the passenger door. A probation violation warrant was issued for Javier Torres by the Los Angeles County District Attorney's Office. Deputy Patterson said her team also learned Suspect Torres was with a sixteen year old female, a reported missing juvenile. Patterson said they received information that Javier Torres, along with were staying at a location in Bellflower.
On 12-22-2003, at 0600 hours, the Fugitive Task Force assembled at Century Station and discussed a plan to conduct a "door knock" at Palm Street, in Bellflower and both arrest Suspect Javier Torres and detain the reported missing juvenile. From Century Station Deputy Patterson and her team staged in the Denny's Restaurant parking lot at Lakewood and Artesia Boulevards. Deputy Patterson was wearing civilian clothes and a tactical ballistic vest. The vest had "SHERIFF" in bright yellow lettering on both the front and back. There was a cloth yellow sheriff's star on the front of their vest. Deputy went to the Palm Street address and conducted a surveillance of the location to gather intelligence for the planned operation. Team Sergeant Lawrence Delmese requested a patrol unit from Lakewood Station to come and assist in

When the Lakewood unit arrived the remainder of the team drove to Palm Street and Deputies Patterson and set up at the rear of the location. The rest of the team set up at

the front of the residence. Deputy Patterson said she was in radio contact with the team members in the front.

Deputy Patterson told the investigators she heard team members pounding with a flashlight on the front door of the residence six or seven times. She also heard her team members announcing, "Sheriff's Department, open up the door, Sheriff's Department, open up the door." There was no answer at the door after several minutes of trying. The patrol unit was released from the location and Deputies Patterson and remained at the southwest portion of the residence.

Deputy Patterson said she saw a large picture window on the building west of where she was standing. The position of the window reflected onto the window at the southwest end of the residence, allowing her to see the southwest window from her location. Deputy Patterson could see the window blinds through the reflection and noticed they were moving. She notified her team members, via radio, that she believed some one was inside of the house.

Patterson continued to watch the window reflection and saw the blinds move some more. She again notified the team of her observations. Deputy came to her location and joined Patterson and at the southwest portion of the residence. They all watched as the blinds continued to move and both and Patterson began to yell at the individuals inside the residence to go to the front door and answer the door for the deputies located there.

Deputy Patterson said she heard a sound that she believed was some one removing a wooden bar from the slider track of the window and the window opening. She looked north toward the southwest window and saw Suspect Javier Torres climbing out of the window holding a gun in his hand. Patterson said she thought the gun Javier Torres held was a 9mm semi-automatic pistol. Deputy Patterson was approximately five feet from the male when she recognized him as Suspect Javier Torres.

IAB Note: Deputy Patterson drew a diagram for Homicide investigators of the location, her position and the window. Refer to Exhibit A, page 161.

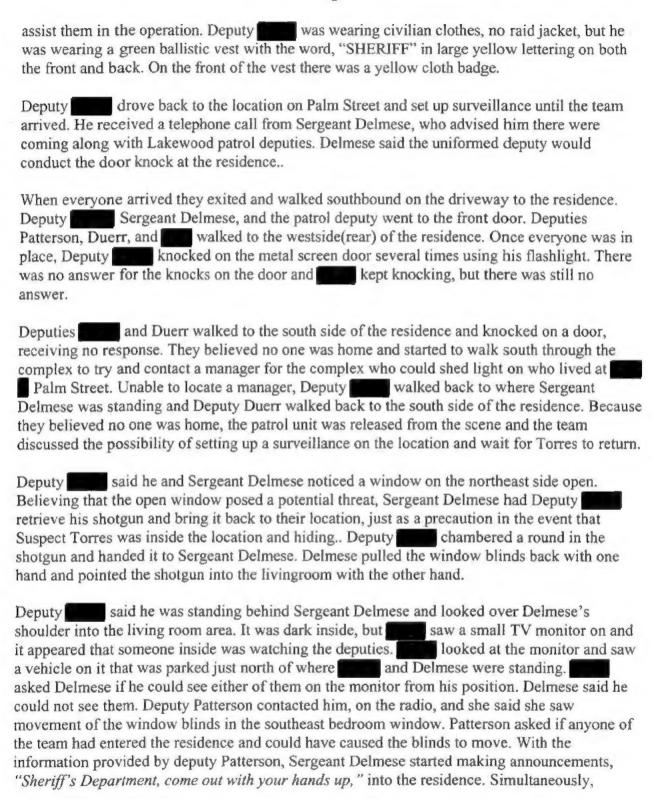
When Suspect Torres made eye contact with Patterson, she told investigators, "I'd never seen a look of evil on somebody's face before in my life." Deputy Patterson said she believed Torres was coming out to kill her or her team members. Fearing for her life, Patterson fired one round from her Departmentally issued Berretta at Torres. She said she did not believe the round struck Torres and he climbed back into the bedroom. Immediately after the shot, Deputy asked her if she shot or the suspect shot. She told she had fired at the suspect.

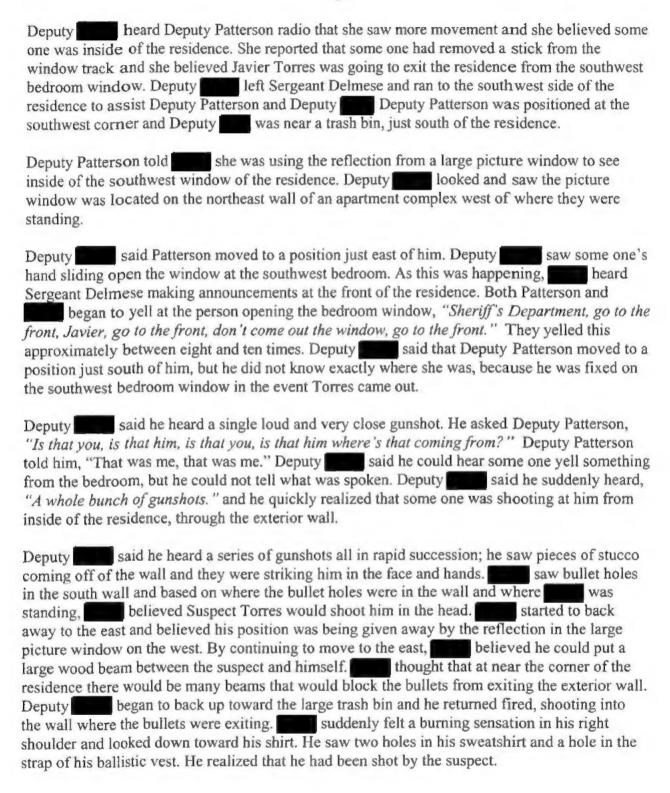
Deputy yelled to Patterson to get back, which she did and took up a position of cover behind a cinder block partition wall, just south of the residence. Deputy Patterson said, "All of a sudden, it sounded like a machine gun was going off." She saw bullets coming from inside of the

southwest bedroom, through the south wall and striking the partition wall. She believed the bullets were traveling from west to east.

Deputy Patterson said she turned to run eastbound behind the partition to avoid getting shot and felt a bullet enter her left hip. She fell to the ground and was unable to move because of her injuries. She said she heard bullets striking a green trash bin, just east of her location, as the shooting continued by the suspect.

Deputy Patterson said the next thing she remembered was hearing Deputy on the radio informing the rest of the team that Suspect Torres was running westbound from the location. Deputy ran to Deputy Patterson and asked her if she was okay. Patterson told Deputy that she had been shot and was down, unable to move. Patterson heard both Deputy and Sergeant Delmese asking her if she was okay. She also told them she had been shot. Deputy told Patterson he also had been shot, but was okay. Patterson said four Lakewood Station patrol deputies came to her and carried her out to a patrol car parked on the north side of the residence. She was treated and transported to the hospital from that location.
Deputy Sheriff # Deputy Sheriff # Deputy was interviewed on 12-22-2003, at 0900 hours, by Homicide Investigators, Rich Lopez and Sandra Nava. The interview took place at Lakewood Station and was recorded on tape. The following is a synopsis of the interview.
Deputy said he was assigned to the Fugitive Task Force of the Major Crimes Bureau. The team consists of Sergeant Larry Delmese, # Deputies Tim Duerr, # , Stephanie Patterson, # and himself.
Deputy said his team had been looking for a person-of-interest Javier Torres for several months. Deputy said that they believed Torres was responsible for a murder under investigation by Sheriff's Homicide Bureau, under file # 003-22959-1363-011. He said they had received information that Torres was staying at Palm Street, in the city of Bellflower, along with a female juvenile, who was a reported missing juvenile by her father. Deputy told investigators that he believed Javier Torres had a warrant for his arrest charging a violation of probation.
Deputy said on 12-22-2003 the Fugitive task Force assembled at Century Station and discussed a plan to go to the Palm Street location and arrest Javier Torres. The team left Century Station and met up in the Denny's restaurant parking lot at Lakewood and Artesia Boulevards. Deputy said Deputies Duerr and rode with him and they went to the Palm Street location and saw a vehicle parked in the driveway that they associated with the suspect. Deputy went back to the Denny's parking lot staging area and briefed the team members of the location.





Deputy pushed the trash bin to get through and he saw Deputy Patterson down on the ground and that she had been shot also. He told her he also had been shot, but that he would be okay. Deputy said he heard the sound of the blinds moving and the window screen being pushed out. He looked up in the direction of the southwest window, dropped to one knee and saw Suspect Torres jump out from the open window. Torres landed with his back to about five to seven feet from him.
IAB Note: Deputy drew a diagram for Homicide investigators detailing his positions as related to the shooting. Refer to Exhibit A, page 162.
Suspect Torres turned to his right, looked over his shoulder and made eye contact with Deputy Suspect Torres extended and raised his right hand, pointing a dark colored, large-framed semi-automatic handgun directly at Deputy
Deputy fearing that Suspect Torres was going to shoot at him again, fired his duty weapon approximately three times at Torres. Suspect Torres was running, but still looking back over his right shoulder and pointing the handgun at Torres ran northwest to a gate just north of them.
Suspect Torres opened the gate and ran westbound through a parking lot of the apartment complex just west of his location. Deputy ran to the northeast corner of the apartment building where he last saw Torres run, looked west and could not see Suspect Torres. He remained at this location, dropped his used magazine and reloaded a fresh one. While watching west for the suspect, started to talk to Deputy Patterson, who remained on the ground. Believing that Torres was gone, Deputy went to Deputy Patterson's side to assist her. He saw Deputy Patterson on her hands and knees, leaning against the wall of the residence, and saw that she had been shot in the hip. continued to tell her she was going to be okay. Deputy radioed that both he and Deputy Patterson had been shot, needed paramedics and the direction of travel of Suspect Torres. was joined by Sergeant Delmese and Deputy as he walked to the front of the residence where paramedics had arrived.
SUSPECT STATEMENTS: Javier Hernandez Torres was interviewed by Homicide Investigators Rich Lopez and Sandra Nava on 12-22-2003, at 2356 hours. The interview took place at Twin Towers Correctional Facility and was tape recorded. The following is a summary of the interview.
Suspect Torres said he lived at Palm Street, Bellflower, for about one month. His lived at the same location for approximately two weeks. They lived with the residents, and and and and and and are said he has known for about ten years.

Suspect Torres said he was asleep on a couch in the living room when he was awakened by telling him some one was knocking on the door. Torres listened and heard someone knocking very loudly on the front door. Torres looked at the T.V. monitor and saw a male at the door that he did not recognize and Torres believed the male was trying to break into the residence. Torres said he began to panic and does not remember anything that occurred after the knocking on the door.

Suspect Javier Torres denied knowledge of the assault rifle, 9mm pistol found disassembled in the shed he was hiding in, and the TV monitor found in the living room. Torres told investigators that he did not remember shooting at deputies, running from the residence and did not know where he was found by deputies.

Suspect Torres did ask investigators about and wanted to know if she was okay. He told them that she did not shoot at anyone and that she does not know how to fire a weapon.

IAB Note: When Suspect Torres was arrested, he was found to have been wearing a ballistic vest (See photograph in Exhibit C). When the vest was examined by Firearms Examiner Dale Higashi, the vest was found to have an expended bullet in the rear panel. The bullet was found to have come from another weapon, not belonging to Deputies or Patterson.

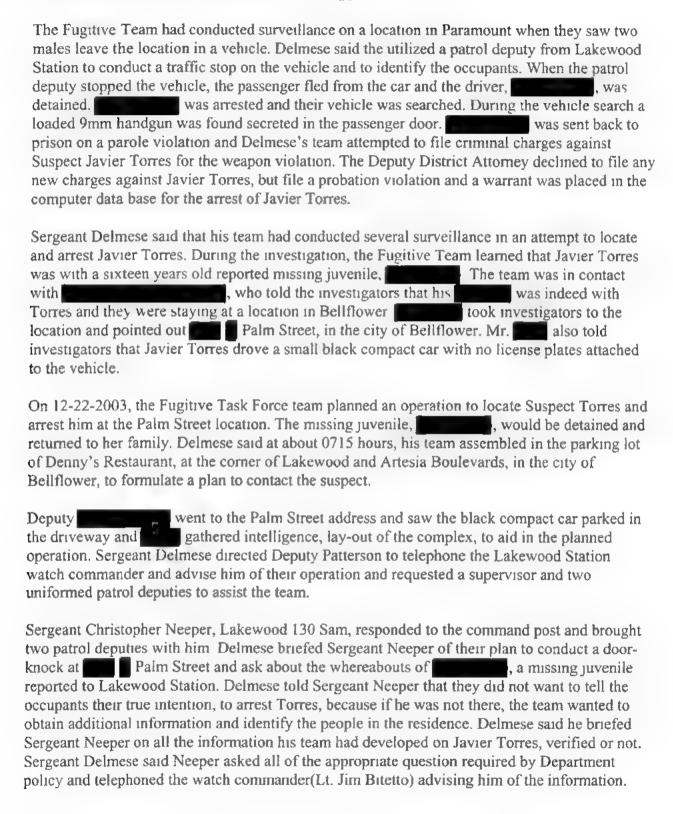
DEPARTMENT WITNESS STATEMENTS:

DELMESE, LAWRENCE, SERGEANT, EMPLOYEE#

Sergeant Larry Delmese was interviewed by Homicide Investigators Kenneth Clark and Shaun McCarthy. IAB Investigator Sergeant Larry Landreth was also present. The interview took place on 12-22-2003, at 1230 hours, at Lakewood Station. The interview was recorded and the following is a summary of the interview.

Sergeant Delmese is the supervisor for the Fugitive Task Force Team of Major Crimes Bureau. The team is associated with the United States Federal Marshall's Office and they are tasked with surveillance and apprehension of wanted fugitives. The team also assists Homicide Bureau frequently when Bureau investigators are looking for suspects or persons-of-interest.

Delmese said his team had been working with LASD Homicide Bureau Investigator Karen Shonka for several months trying to locate two individuals who were involved in a murder Homicide Investigator Shonka was working on. Sergeant Delmese said his team was asked to conduct surveillance for the purpose of identifying Javier Torres and his



Sergeant Neeper told Delmese the watch commander had given his approval for the Lakewood units to assist in the operation.

Sergeant Delmese said the team members and Lakewood units drove to the Palm Street location Deputies Tim Duerr, Stephanie Patterson and were in a van and they went to the rear of the location. Deputies the patrol deputy and Delmese went to the front door of the residence. Delmese said his deputies identified themselves, as sheriff's deputies, as they knocked on the front door. They announced and knocked for several minutes until everyone was convinced that no one was home.

During the knocking and announcing at the front door, Sergeant Delmese said he concentrated on the front living room window curtain. He tried to look in the window, through a narrow opening in the curtain for any occupants or sounds coming from inside.

Sergeant Delmese said the patrol units and sergeant remained with him for several minutes and when they believed that no one was home, Delmese released the units to resume their patrol duties because they had calls for service backing up in Bellflower. Delmese said he told his investigators they were going to switch directions and go into an information gathering mode. Delmese requested a patrol unit to inquire of the V.I.N. belonging to the black car. The return on the V.I.N. came back registered to a female.

Deputies and Duerr began to knock on the surrounding residential doors inquiring of the occupants about the people living at Palm Street. One of Delmese's deputies obtained a cellular telephone number for the property owner and was talking to him when Deputy Patterson radioed that she had observed movement of the window blinds near her location on the southwest corner of the house. She asked if any of the team members had entered the residence and could they have caused the movement of the blinds.

Sergeant Delmese said he believed the occupants hid and waited until the uniformed deputies left the area before moving around. He became concerned because he was keenly aware of Javier Torres' criminal record and his history involving weapon's violations. Sergeant Delmese directed Deputy to go to serve 's vehicle and retrieve a shotgun. Delmese wanted a strong and armed presence at the front door should the suspect present himself armed. Armed with a shotgun, Delmese tried to look through the curtain opening for any movement inside. He heard one of his deputies radio they saw move movement in the back and that some one was trying to look out of the window.

Sergeant Delmese told investigators he slid open the window, pushed aside the curtain and covered the living room with the shotgun. He announced, "Sheriff's Department", and looked for any movement. A female walked into the living room from a hallway. Delmese said he saw a male hiding by a couch and he order the man to show himself. The male rolled off of the couch

and appeared to be feigning that he had been asleep and had just awakened. Delmese ordered the male to obey his commands and stop moving. Another female entered the living room and he ordered her to stand still. Delmese detained all three individuals at gun point and ordered the second female to open the front door.

Delmese said he was aware there were at least two deputies at the rear of the location, covering the rear door. Delmese stated he was concerned for Deputy Duerr's location because he did not have sufficient cover should a gunfight start and that was the reason for ordering the female to open the front door. Delmese wanted to be able to fully cover all three people and watch the living room. Delmese was concerned more for what he could not see inside of the house that the three people he had detained.

Delmese said he heard his deputies say that they saw some one looking out of a rear window when the female opened the front door. Within seconds, Delmese heard several loud gunshots coming from the rear of the house. Delmese said the gunshots were very loud and he could tell they were coming from inside the house and to the rear. Delmese said he heard other gunshots and knew they were his deputies firing back by the difference in the sounds. He said he heard between four and five louder gunshots and then heard several quieter gunshots he attributed to his deputies.

Sergeant Delmese said when the gunfight started he moved up closer to the front door and used the door and doorframe as a positional advantage and cover. Deputy Duerr moved to the south side of the residence, toward where the gunshots came from. Delmese maintained cover on the three people and watched for the suspect(s) who were shooting at his deputies to come around into the living room. Delmese said that he heard some one say that the suspect was running.

When Delmese heard that the suspect was running, he backed away and readied himself to confront the shooter when he came into the living room. Delmese's radio was set on Lakewood's frequency and he broadcast there had been a deputy involved shooting and the suspect was fleeing. Delmese said he saw Deputy and asked her if his deputies were okay and accounted for. She told him that Deputy Patterson had been struck by a bullet in the hip during the gunfight and she could not walk. Sergeant Delmese said he requested paramedics and patrol units to his location. As soon as the assisting units arrived he directed them to Deputy Patterson's location to assist her. Deputy Duert told Delmese that Deputy had also been shot during the gunfight and that he was okay. Delmese told to go out to the front to the paramedics. Deputy told Sergeant Delmese he had broadcast a description of the suspect and his last known direction of travel.

Sergeant Delmese told investigators that he had neither fired his weapon or witnessed any of the shooting.

IAB Note: Sergeant Delmese drew two diagrams of his positions before and after the shooting occurred. Refer to Exhibit A, pages 156 and 157.

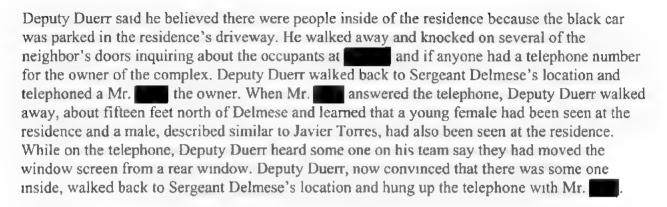
DUERR, TIMOTHY, DEPUTY SHERIFF, EMPLOYEE# Deputy Tim Duerr was interviewed on 12-22-2003, at 1232 hours. The interview was conducted by Homicide Investigators Kenneth Clark and Shaun McCarthy, IAB Investigator Larry Landreth was also present during the interview. The interview took place at Lakewood Station and was tape recorded. The following is a summary of the interview: Deputy Duerr said he and his team, the Fugitive task Force, went to Beliflower, to look for a female runaway, Duerr had information that the house with Javier Torres, a person wanted for violation of probation. A week before the told Duerr's team that had runaway and he had reported her missing to Lakewood Station. He also told investigators that Torres drove a black compact car, possibly a Mitsubishi, that had no license plates Earlier in the week, Mr earlied investigators to the Palm Street address and pointed out Palm as where his could be found. On 12-22-2003, at about 0600 hours, the Fugitive Task Force met at Century Station to discuss a plan to capture Suspect Torres and detain They moved to another location and assembled in the Denny's Restaurant parking lot in Bellflower. Duerr said a team member went to the Palm Street address and saw a black vehicle with no license plates parked in the driveway. The team decided they would attempt the capture by utilizing Lakewood patrol units to conduct a door-knock of the location. Deputy Duerr said that a team member telephoned Lakewood Station and requested a couple patrol units to meet them at the Denny's Restaurant parking lot. A patrol supervisor and a patrol deputy arrived and were briefed about the operation. The patrol sergeant requested two additional units to the command post. When the additional patrol units arrived, everyone drove to the Palm Street location. Everyone parked on the street in front of the location and the uniformed deputies were sent to the front door to knock and they would be easily identifiable as law enforcement officers. Duerr said the Fugitive Team was wearing green tactical vests with a "SHERIFF" insignia on the front and back, along with a cloth star on the front. The patrol deputies were dressed in Class "A" uniforms and gun belts. Deputy Duerr stated Sergeant Delmese, Deputy and the uniformed deputies went П

southwest corner of the residence. Duerr described his position as being on the number two-three side of the building. When everyone was in place, Sergeant Delmese knocked several times on

and Deputy Duerr went to the

to the front door. Deputies Stephanie Patterson,

the front door but no one answered.



Deputy Duerr watched as Sergeant Delmese opened the living room window and pushed back the curtains. He saw people inside of the living room. Sergeant Delmese ordered everyone to prone out on the floor. Delmese ordered a female to come and open the front door and as she did, Duerr heard a team member shout from the rear of the residence, "He's coming out the window, he's coming out the window."

Deputy Duerr said he and Deputy and ran to the back of the location, where Deputies Patterson and were. Duerr said he realized he had left Sergeant Delmese by himself and Duerr ran back to Delmese's position. Duerr believed that three deputies would be sufficient to contain the suspect.

Deputy Duerr and Sergeant Delmese positioned themselves at the opened front door and they heard the first of the gunshots. Duerr said he heard screaming and he moved slowly down the side of the house. He was moving cautiously toward where the deputies had contained the rear when he saw Deputies Patterson and laying on the ground; Deputy was standing and he pointed saying, "He's running eastbound."

Deputy Duerr said he thought that if the suspect ran east, he would have to run in a southern direction first, in order to run east along the residence. Deputy Duerr believed the suspect would be coming his way at any moment, so he ran south along the property line to intercept the suspect. Duerr said he wanted to prevent the suspect from doubling back to where the deputies were.

Deputy Duerr said he ran to the furthest unit on the property and climbed up on top of a pick up truck to look. He heard voices on the ground shouting, "Back behind me." When Duerr looked at that direction, he realized the suspect had actually ran westbound and not east as Deputy put out. Duerr heard someone put out over the radio, "Westbound."

Deputy Duerr said he climbed up on the roof from the truck's roof and did not see anyone. He ran along the roof tops of the complex, searching for the suspect. Duerr ran to where Deputies

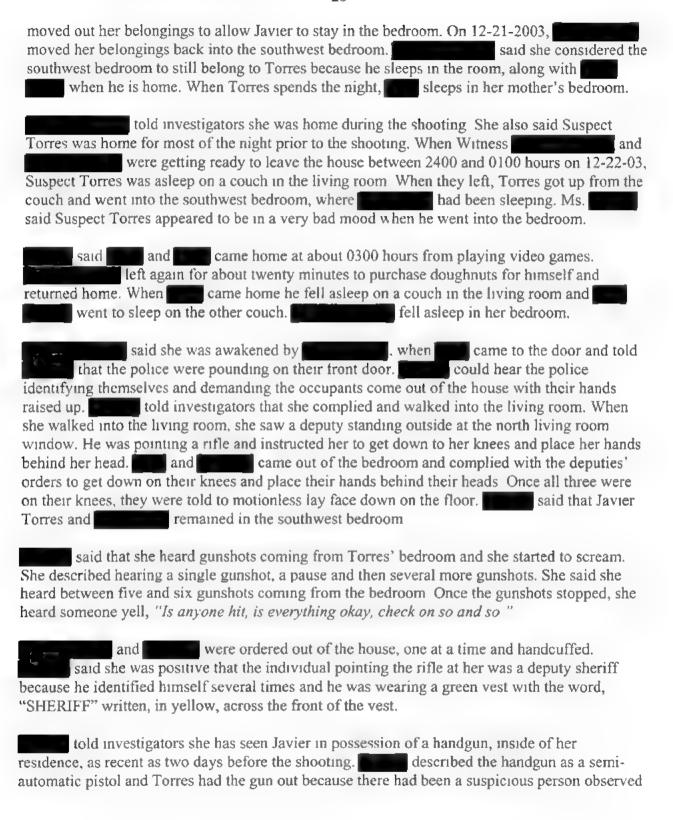
Patterson and were and saw that Deputy was bleeding from his head. Duerr jumped down off of the roof and into the trash bin. He climbed out and assisted Deputy to the paramedics out front. Deputy Duerr said he took up a position on containment until he was relieved by Lakewood personnel. Deputy Duerr did not fire his weapon and he did not witness any of the shooting.

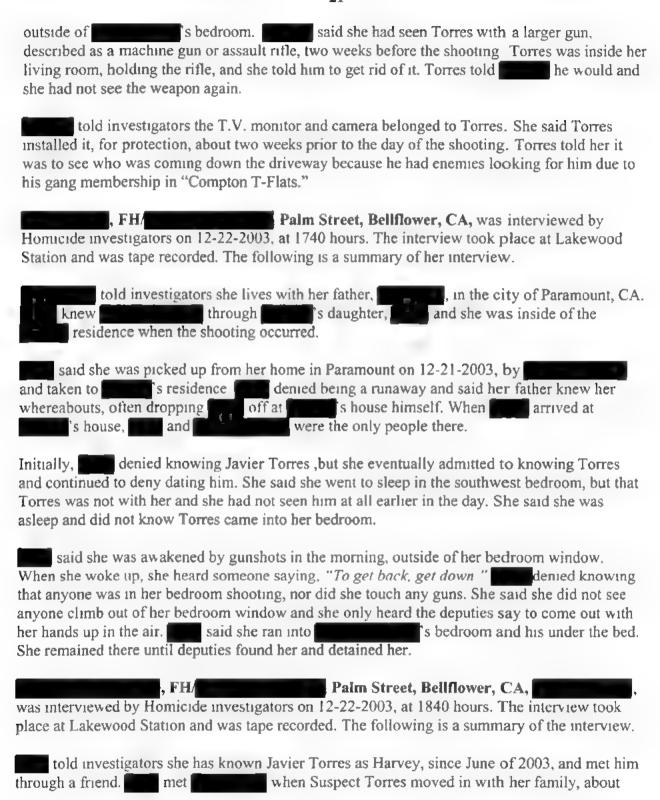
IAB Note: Deputy Duerr drew a diagram that depicted his position prior to the shooting. Refer to Exhibit A, page 158.

, DEPUTY SHERIFF, EMPLOYEE # was interviewed by Homicide Investigators Kenneth Clark and Shaun McCarthy, IAB Investigator Larry Landreth on 12-22-2003, at 1500 hours. The interview took place at Lakewood Station and was recorded on tape. The following is a summary of the interview. Deputy said she received a telephone call on December 17, 2003, from Mr. . He told that her was with Javier Torres and living at a house said she knew who Javier Torres was from an investigation her team was in Bellflower. involved in with Homicide Bureau. said her team had arrested Javier's an earlier operation and that Javier ran from them. On Friday, December 19, 2003, Mr telephoned and told her the address of Palm Street, in Bellflower, was where her and Javier Torres could be found. Mr. also told that Javier drove a small black car, possibly a Mitsubishi. location and confirmed the address and also saw the black car parked in the driveway. Deputy said her team assembled in the Denny's parking lot at Lakewood and Artesia Boulevards, in the city of Bellflower and contacted Lakewood Station to assist in looking for Torres. Deputy said her team discussed a plan to have uniformed deputies assist by doing a door-knock at the location. A sergeant and two uniformed deputies arrived at the staging area They briefed the Lakewood personnel that the plan was have Sergeant Delmese, Deputy Duerr and the patrol units knock on the front door and ask the people if the runaway inside If the runaway was not there, the units would leave and a surveillance would be set up to wait on Torres' and _____'s arrival. Everyone drove to the Palm Street location and Deputies Patterson, Duerr and went to the southwest corner of the residence. Deputy Sergeant Delmese and the patrol deputies went to the front door Deputy said she concentrated on a kitchen door located on the south and Deputies and Patterson were watching a window and had their backs to and Patterson were watching a southwest window by using the reflection off of a window located on an apartment located west of the target location.

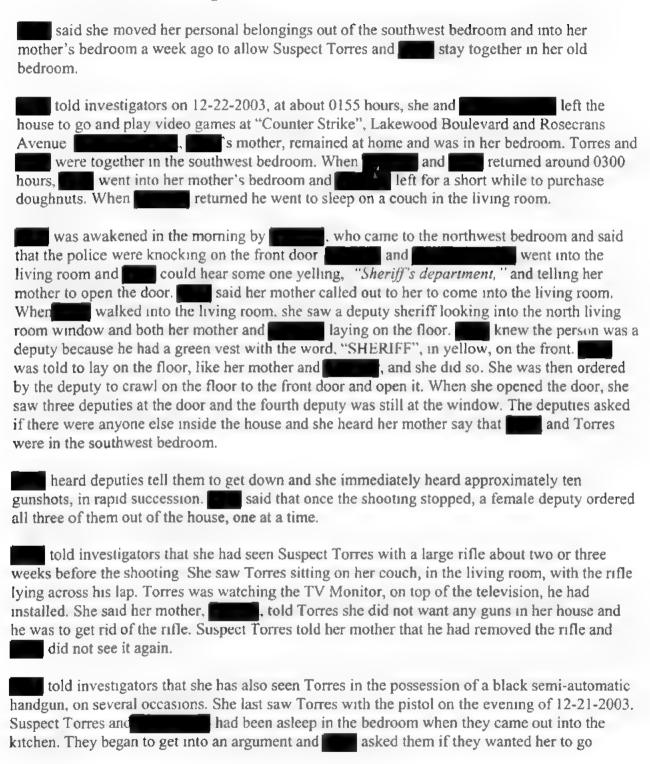


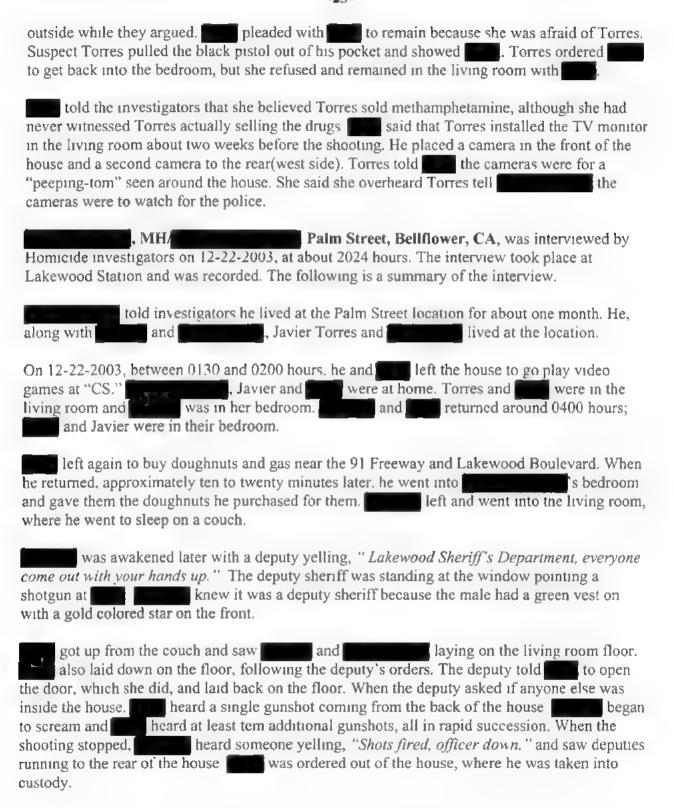
Deputy said that while she was protecting Deputy Patterson and watching the window, in a ready position, an unidentified white male with tattoos on both arms approached her and angrily yelled, "You just shot my friend." said she pointed her gun at the male and ordered him to get back or she would shoot him; the male left the area.
Deputy said four deputies from Lakewood Station came on scene while she was dealing with the man. The deputies assisted Deputy in carrying Patterson to a radio car.
Deputy said she did not fire her weapon and she did not witness the shooting. She provided the investigators with a drawing of the location and her position prior to the shooting.
IAB Note: Refer to Exhibit A, page 160, for a copy of state 's diagram.
NON-DEPARTMENT WITNESS STATEMENTS:
, MH/, was interviewed at Lakewood Station regarding the incident by Homicide investigators. The interview was recorded and the following is a summary of the interview.
Mr. was asleep inside his residence, when he was awakened by the sounds of popping, sounds he thought were from a nail gun. He later learned the sounds were from gunshots and he said he heard four gunshots.
Mr. heard deputies yelling immediately after the gunshots and he went to his window and looked out. He saw two or three deputies, dressed in green and black vests with the word, "SHERIFF" on the backs, pounding on the front door. Mr said no one was answering the door. He walked away from the window and dressed for work. When he walked outside, he was detained by a female deputy who placed Mr. inside of a patrol car.
, FH/ , was interviewed by Homicide investigators, at Lakewood Station, regarding the incident. The interview was tape recorded and the following is a summary of the interview.
As a said she lives at Palm Street with her daughter, and a family friend. She lived at the location for about two months and "Harvey" (Javier Torres) for about a month and his for about two or three weeks. Ms. met Javier Torres through one of her daughter's friends. She explained that there is a living room, dining room, kitchen, bathroom and two bedrooms in the residence.
She said that Suspect Javier Torres lived in the southwest hedroom lived 's daughter

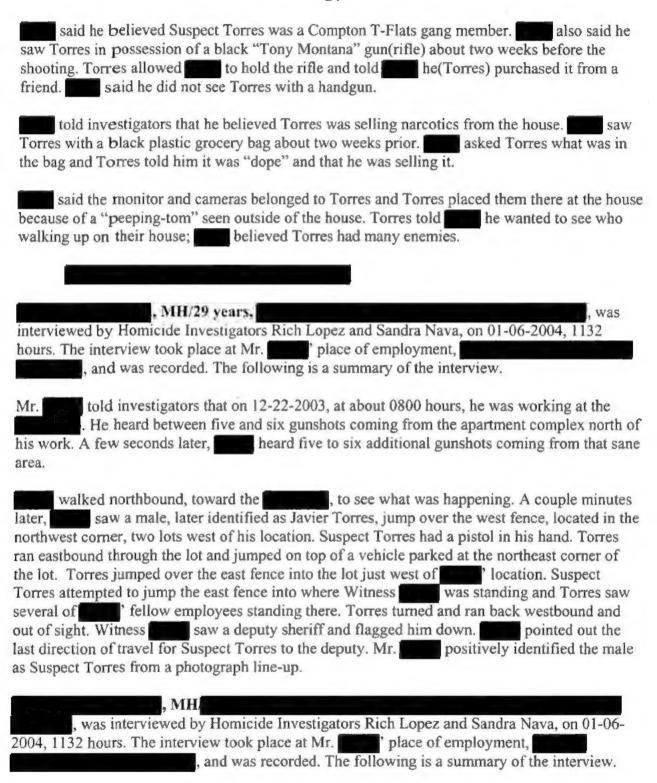


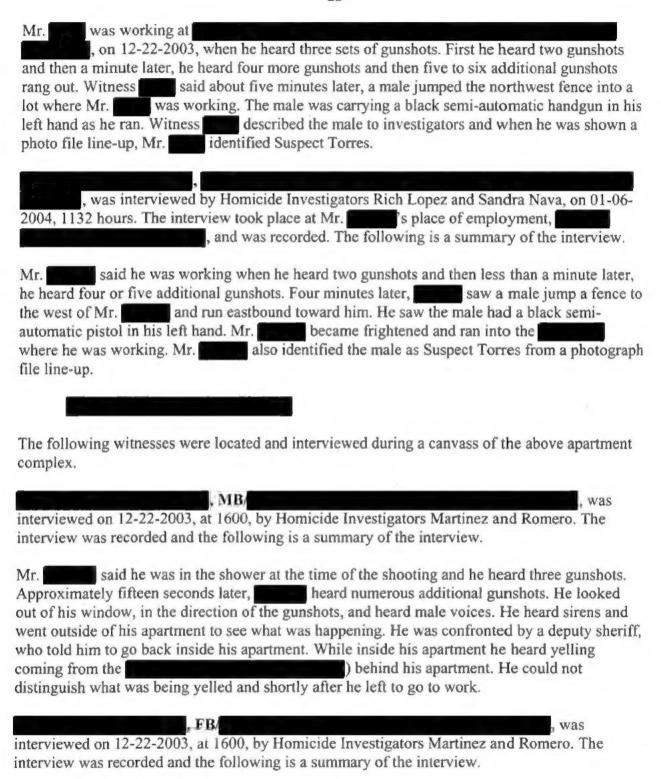


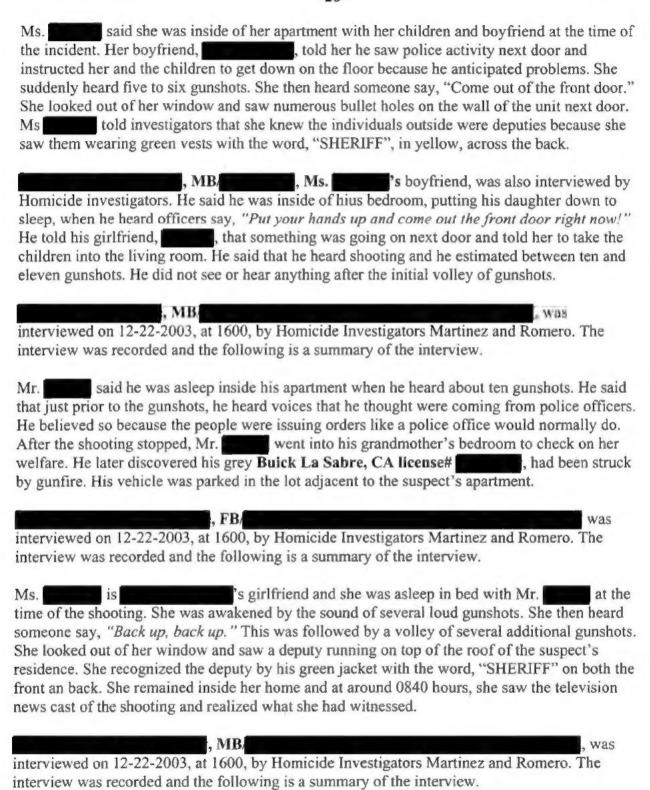
four weeks before the shooting.

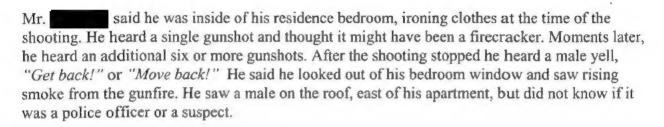












on 12-22-2003, at 1805, by Homicide Investigators Martinez and Romero. The interview was recorded and the following is a summary of the interview.

Mr. said he was awakened on 12-22-2003, in the morning, by two deputy sheriffs, who were asking for the complex manager. said that about five minutes later, he heard numerous gunshots. He estimated hearing between fifteen and twenty in total. After the gunshots, said he heard some one yelling commands, but could not discern what was being said. He said he believed that the deputies were issuing the commands. said he did not go out or look outside of his residence because he was afraid.

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator:

Detective Sergeant Kenneth Clark and Detective Jose Romero, Homicide

Bureau

Court:

Clara Shortridge Foltz Criminal Courts, Division 104

Charges Filed

None

Court Date

N/A

Plea/Conviction:

December 21, 2004, (2) counts of 664/187 PC, (5) counts of weapons

and gang enhancements.

Sentence:

January 27, 2005, CSFCC, Div. 104, 91 years to life.

PROPERTY DAMAGE:

1. a 199X grey Buick La Sabre sedan, CA License#, registered to a 199X grey Buick La Sabre sedan, CA License#

2. Bullet strikes to the laundry room exterior wall.